

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
)	
v.)	3:07-CR-150-MHT
)	
)	
)	
BENJAMIN S. FOSTER)	

**MOTION FOR LEAVE TO FILE OBJECTIONS
TO DEFENDANT'S PRESENTENCE INVESTIGATION REPORT**

COMES NOW, the Defendant, Benjamin S. Foster, by and through the undersigned counsel and files this Motion for Leave to File Objections to Defendant's Presentence Investigation Report in the above-styled case. As ground therefore, the Defendant would aver to this Honorable Court as follows:

1. On June 16, 2008 the undersigned was appointed to represent the Defendant for sentencing.
2. On June 25, 2008, the undersigned on behalf of the Defendant filed a Motion to Continue Sentencing wherein the undersigned requested additional time to investigate, prepare and file objections to the Presentence Investigation Report (hereinafter "PSR"). (Doc #42)

3. On June 27, 2008, the Court granted the Motion to Continue Sentencing; however, the Court's Order did not address objections to the PSR. (Doc #43)

4. That new counsel for the Defendant has completed his investigation and prepared objections to the PSR on behalf of the Defendant and is ready to file the same with the United States Probation Office.

5. That the Defendant should have the opportunity to file objections to the PSR prior to his sentencing hearing currently scheduled for August 19, 2008.

6. That prior counsel for the Defendant has informed the undersigned that he was in the process of preparing objections when he became conflicted out of the case.

7. That the Government would not be prejudiced by the granting of this motion.

WHEREFORE, PREMISES CONSIDERED, the Defendant, Benjamin S. Foster, prays this Honorable Court will, in the interest of justice, make and enter an Order allowing the Defendant to file objections to the PSR no later than August 7th, 2008.

RESPECTFULLY SUBMITTED, this the 5th day of August, 2008.

/s/ J. Carlton Taylor
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has been served on those individuals listed below, by CM/ECF email electronic service (or by hand delivery), on this the 5th day of August, 2008.

/s/ J. Carlton Taylor
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